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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing for the year 2001 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/55/512). During its consideration of the matter, the Committee met with the Deputy Prosecutor and the Registrar of the Tribunal and with representatives of the Secretary-General, who provided additional information.

2. The overall level of resources proposed for 2001 amounts to $95,056,600 gross ($86,616,600 net), reflecting growth of $8,901,700 gross ($8,446,400 net), or 10.3 per cent as compared with the 2000 appropriation of $86,154,900 gross ($78,170,200 net). Extrabudgetary resources projected for 2001 amount to $619,000 (see A/55/512, para. 12, and tables 1 and 2).

3. The proposed staffing table for 2001 comprises 892 assessed budget posts, reflecting a request for 81 new posts (17 for the Office of the Prosecutor and 64 for the Registry) over the authorized level for 2000 of 810 and the transfer of one P-5 post from the International Tribunal for the Former Yugoslavia

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budget to the International Criminal Tribunal for Rwanda (see ibid., annex II).

4. According to the budget report, a number of factors have affected the estimates. The first factor is the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/54/634). The second factor is an expected increase in the workload of the Tribunal resulting from the fact that all three Trial Chambers will be trying new cases from the last quarter of 2000, in addition to preparing judgements in completed cases. The increasing recourse to joint trials, together with the attendant motions and appeal cases, would have a ripple effect on the resource requirements of all three organs of the Tribunal (A/55/512, para. 10). The third factor is the expected continuing success in tracking and arresting additional suspects and the need to ensure an expeditious trial (ibid., para. 11). The Advisory Committee notes that the level of resources requested is based on the needs of the three Trial Chambers' stepped-up activities in investigation, arrest and detention and major enhancements envisaged for the delivery of support services (ibid., para. 12).

5. The Advisory Committee also notes that additional requests are made in the context of implementing changes in the organizational structures of the Tribunal.

6. In examining the estimates, the Advisory Committee bore in mind the report of the Expert Group (A/54/634), the comments of the organs of the Tribunal and of the Secretary-General (A/54/850), the previous observations and recommendations of the Committee, in particular in its report on proposed requirements for the Tribunal for 2000 (A/54/646), and General Assembly resolutions 54/240 A of 23 December 1999 and 54/240 B of 15 June 2000.

7. The status of implementation of the recommendations of the Expert Group is indicated in annex VII to the budget document. The Advisory Committee recalls its request that a report be submitted, in the context of the budget for 2001, on the action taken or to be taken in respect of those recommendations that had remained under review (A/54/874, para. 14). The Committee notes that of the 46 recommendations, 31 have been implemented. The Committee notes with regret that annex VII to the budget report does not differentiate between information already dealt with in reports previously considered by the Committee and the General Assembly and information on action taken on those recommendations that were still under review.

8. The Advisory Committee also recalls its recommendation that before requesting additional resources to implement a particular recommendation of the Expert Group, the Secretary-General ensure that every effort is made to fully and effectively use existing resources within the Tribunal (ibid., para. 11). The Committee notes that no evidence has been adduced that might indicate the extent to which this recommendation was implemented. It also notes, however, that in a number of instances the Expert Group's recommendations have been cited to justify additional resource requests. The Committee is aware that the Secretary-General is required to report to the General Assembly at its fifty-sixth session on the results of the implementation of the recommendations of the Expert Group. **The Committee expects the report to be analytical and thematic and to indicate the outcome of implementing the Expert Group recommendations. In the opinion of the Committee, the mere citing of a recommendation and stating whether or not it has been implemented would be considered unacceptable.**

9. **With respect to additional resources, it must be emphasized that at a time of resource constraint in the United Nations, the Tribunal is not exempt from first ensuring that a rigorous examination has been undertaken to use resources already approved before making proposals for additional funds.**

10. After the hearings, the Advisory Committee received an advance version of the budget performance report for the Tribunal for the year ended 31 December 1999 (A/55/622). The expenditures recorded during the period totalled $70,111,600 gross ($64,156,600 net), as compared with appropriations of $75,260,600 gross ($68,531,900 net, resulting in an unencumbered balance of $5,149,000 gross ($4,375,300 net).

11. Significant variances between the appropriation and the expenditures are shown in the table in section II and are explained in paragraphs 3 to 21 of the performance report. These include the under-expenditure of $3,532,000 under posts as a result of higher than anticipated vacancy rates during the year under review. Other significant under-expenditures

during the period included $1,223,800 under contractual services due to decreased requirements for the services of defence counsel and defence expert witnesses and $1,222,400 under general operating expenses.

12. **The Advisory Committee requests that in future a complete performance report be prepared and submitted prior to or concomitant with the submission of the annual budget estimates.**

13. Upon enquiry as to the extent to which the unencumbered balance has been credited to Member States, the Advisory Committee was informed that the net balance between 1998 and 1999 expenditures amounted to $2,937,000 gross ($1,988,700 net), of which $2 million gross ($1,816,000 net) was taken into account by the General Assembly in its resolutions 54/240 A and B while approving the appropriations for 2000. The remaining portion is reflected in the current budget report (A/55/512, annex X).

14. Upon enquiry, the Advisory Committee was provided with information on actual expenditure for 2000, in which a $4.2 million balance was projected (see annex I below). The bulk of under-expenditure ($3.3 million) is expected to occur in the Office of the Prosecutor, primarily because of a high vacancy rate (54 out of 197 authorized posts were vacant as at 10 November). In the Registry, the projected under-expenditure in staff costs is offset by projected over-expenditure in support services and other objects of expenditure. The recommendations of the Committee that follow take into account the projected unencumbered balance.

15. The actions taken by the Tribunal to implement the recommendations of the Advisory Committee, the Board of Auditors and the Office of Internal Oversight Services are contained in annex VII to the budget report. The Advisory Committee regrets that the payroll function continues to be performed at Headquarters for international personnel and at Arusha for local staff. **In the opinion of the Committee, the reasons given in annex VII to the budget report and in the testimony of the representatives of the Secretary-General are not convincing. For example, the Committee was informed that one of the reasons was that the Integrated Management Information System (IMIS) had yet to be installed at Arusha. However, the Committee points out that full payroll function had been delegated to a number of duty stations (such as the regional commissions) prior to the introduction of IMIS. The Committee reiterates its view that the Tribunal should have the appropriate delegated authority to carry out this function as soon as is practicable.**

16. With regard to staffing changes, the Advisory Committee recalls the statement that it had been informed that there would be no major increase in personnel in future (A/54/646, para. 17). The Committee noted that a number of changes had been introduced to address the high vacancy rate (ibid., paras. 19 and 20), and was given to understand that the staffing situation of the Tribunal would improve considerably in 2000. **The Committee regrets to note from annexes I and III to the budget report and from additional information supplied to it that the vacancy situation has hardly improved. Indeed, the actual vacancy rates for 2000-2001 were 23.24 per cent for the Professional category and 13.9 per cent for General Service for the first eight months of 2000. Moreover, the Committee notes that the vacancy factors used in preparing staff costs were 19 per cent for the Professional category and 13 per cent for General Service.**

17. **The Advisory Committee notes with concern the continuing problem the Tribunal is experiencing in retaining staff at Arusha once they have been recruited.** A number of staff have left for other duty stations, including peacekeeping missions. Upon enquiry, the Committee was informed that 51 staff members had been separated from the Tribunal in 1999, 10 of whom had resigned (2 Professional, 3 Field Service and 5 General Service). The Committee was also informed that a total of 72 staff members had been or would be separated during the course of 2000; 54 of these have resigned (12 Professional, 22 Field Service and 20 General Service). **The Committee requests that this matter be addressed urgently, including a review of the conditions of service at this duty station.**

18. **The Advisory Committee also understands that one-year contracts are a disincentive to the recruitment and retention of staff. The Committee recommends that, under the authority delegated to the Registrar for the appointment and administration of staff, the Registrar may consider issuing personnel contracts to staff of the Tribunal for periods longer than those of the annual budget but within the two-year financial period of the Tribunal. The Committee further recommends that the**

impact of implementing this recommendation be reflected in the next budget submission. With regard to the biennialization of the Tribunal's budget, the Committee intends to discuss this subject and other improvements in the presentation of the budget document, in the context of the Tribunal's next budget submission.

19. The Advisory Committee recalls its comments on the need for the Tribunal to have a full complement of staff on board before requesting additional posts (see A/54/646, paras. 22 and 55). The Committee has borne this factor in mind when formulating its recommendations on posts for the organs of the Tribunal. **Moreover, the Committee reiterates its comment that there is a need to relate workload data to resource needs (ibid., para. 23). A mere presentation of workload statistics is not of much help to the Committee or to the General Assembly. Performance and projected workload data need to be analysed; the result of that analysis would then form the basis to support the resources requested for the budget estimates.**

Chambers

20. The workload indicators of the Chambers are contained in annex V to the budget document. **The Advisory Committee notes with concern that the number of trials and courtroom days for 2000 will be less than that initially estimated for the year. Information on the number of trials commenced and completed, with projections, is contained in annex II below.**

21. With regard to the non-use of courtrooms, the Advisory Committee was informed that there had been a reduction in the number of days the courtrooms were used because the Trial Chambers were seized with one trial and a large volume of pre-trial motions.

22. The Advisory Committee concluded from the information given by the representatives of the Tribunal that the large number of interlocutory motions contributed to the delay in speeding up trials. As indicated in the budget report (A/55/512, para. 8), the Expert Group identified this as a major cause of trial delays. The Committee was informed, upon enquiry, that in four instances fees had not been paid to defence counsel because of judicial decisions that their motions were frivolous and constituted an abuse of the process. **The Committee welcomes the measures taken by the Judges (see ibid., paras. 15-17) to address this serious problem and encourages them to further exercise judicial control over all aspects of the proceedings in the Chambers.**

23. **In connection with the possible date by which the Tribunal would complete its work, the Advisory Committee requests that in the next report an attempt should be made to indicate whether it was possible to state the likely date or dates for the completion of the mandate of the Tribunal (see also A/54/645, para. 29).**

24. Upon enquiry as to the effect of joint trials on the judicial process, the Advisory Committee was informed that, if well-planned and well-executed, joint trials would speed up the trial caseload and in the long term would save money. However, it was emphasized to the Committee that adequate resources needed to be provided to handle the complex requirements of joint trials.

25. On the question raised in the budget report concerning the enlargement of the Appeals Chamber by an additional two Judges (see A/55/512, paras. 21 and 22), the Committee recalls paragraph 3 of General Assembly resolution 54/240 B, in which the Assembly requested the Secretary-General to transmit to the Security Council the report of the Expert Group (A/54/634) and the note containing his comments (A/54/850). At the time of the Committee's examination of the estimates, the Council had taken no decision on matters related to changes in the Statute or ad litem judges. In this connection, the Committee notes that the judges for the International Criminal Tribunal for Rwanda are not actively considering the introduction of ad litem judges (see A/55/512, annex VII, and annex IX, para. 2).

26. As indicated in the budget report, should the Security Council decide to add to two judges to the Appeals Chamber, supplementary estimates would have to be submitted to the General Assembly (ibid., annex IX, para. 4). The Advisory Committee will revert to this matter in the context of such estimates as may be submitted by the Secretary-General.

27. With regard to the travel and absence of judges from Arusha, the Advisory Committee recalls that it questioned the appropriateness of Tribunal judges being absent to attend meetings, including some not related to the United Nations, at times at which their

absence could interfere with the immediate judicial work of the Trial Chambers (see A/54/646, para. 28). **The Committee once again points out that the frequent absence of judges affects the speedy commencement or completion of trials of cases in which the travelling judges are involved. In this connection, the Committee recalls in particular the observations of the Board of Auditors.[1] In the view of the Committee, judicial activities, particularly those of the President, should have priority over public relations activities and attendance at external meetings.**

28. The Advisory Committee questions the rationale of the trip referred to in the budget report (A/55/512, para. 25 (e)). Upon enquiry as to the potential use of videoconferencing facilities at the Tribunal, the Committee was informed that facilities did not exist but that plans were under way to install such facilities using extrabudgetary funds to cover costs estimated at about $1 million. **The Committee points out that this is an item that should have been requested under the assessed budget unless there was already available a donation in kind, in which case resources for maintenance would be included in the assessed budget. The Committee requests that the problem of video communication between the two Tribunals and with Headquarters be resolved as a matter of utmost priority.**

29. **Subject to the above, the Committee recommends approval of the amount of $1,798,900 net proposed for the Chambers for 2001.**

Office of the Prosecutor

30. The estimate for the Office of the Prosecutor for the year 2001 is set at $24,859,500 gross ($21,834,200 net) and reflects an increase of $2,423,000 gross ($2,243,600 net), or 11.5 per cent as compared with the appropriation of $22,436,500 gross ($19,590,600 net) for 2000 (ibid., table 5). The Advisory Committee notes that the increase in the requirements for the Office of the Prosecutor relates to the establishment of the Appeals Unit in Arusha and the strengthening of the Investigations Division to achieve greater effectiveness in ongoing investigations, particularly in relation to sexual crimes and financial tracking. The number of temporary posts totals 215 for 2001, reflecting an increase of 17 posts as compared with 197 for 2000 (ibid., para. 39 and table 6). Details about and justifications for the new posts are provided in annex II to the budget report.

31. With respect to the 17 new posts requested, the Advisory Committee notes that the monthly number of vacant Professional posts decreased from a high of 40 to a projected low of 23 by December (ibid., annex III). This number is considerably higher than the total of 12 additional Professional posts requested.

32. Nine new posts (1 P-5, 1 P-4, 1 P-3, 1 P-2 and 5 General Service) are requested for the Trial Section at Arusha (ibid., annex II, paras. 20 and 21). **The Advisory Committee recommends approval of the request.**

33. A request is made for three new posts (1 P-4, 1 P-2 and 1 Local level) and a transfer of one P-5 post from the International Tribunal for the Former Yugoslavia budget in The Hague to the Tribunal at Arusha for the establishment of an Appeals Unit at Arusha (ibid., paras. 25 and 26). **The Advisory Committee recommends approval of the request.**

34. With regard to the Investigations Division, the Advisory Committee notes that five posts are requested, two P-3 and two P-2 for the Investigations Unit and one P-3 for the Intelligence and Tracking Team (ibid., paras. 37, 38 and 42). Upon enquiry, the Committee was informed that as at 10 November 2000, of the 132 posts authorized for the Investigations Division for 2000, 37 were vacant. The Committee was informed that the nature of investigation had changed; all targets had now been identified and priority was on the investigation of fact and the indictment, tracking and arrest of suspects. **In view of this fact and the high vacancy rate, the Committee recommends that the five posts requested for the Investigations Division be provided through redeployment.**

Registry

35. The resource requirements for the Registry for 2001 amount to $68,398,200 gross ($62,983,500 net), reflecting an increase of $6,448,100 gross ($6,172,200 net), or 10.9 per cent as compared with the appropriation of $61,950,100 gross ($56,811,300 net) for 2000. In addition, it is estimated that $544,000 net will be administered by the Registry as extrabudgetary resources, reflecting a decrease of $146,000 net as compared with the amount of $690,000 net for 2000 (ibid., table 7).

36. With regard to staff resources for the Registry for 2001, the Advisory Committee notes that 677 are proposed (180 Professional, 130 General Service, 24 Field Service, 82 Security Service and 261 Local level posts), of which 613 are continuing temporary posts and 64 are new temporary posts (18 Professional, 17 General Service (Other level) and 29 Local level) (ibid., table 8).

37. A summary of the proposed new posts by functional title is provided in the table following paragraph 54 of the budget report. The basis of the request for additional posts is summarized in paragraph 54 and supplemented with detailed justification in paragraphs 44-195 of annex II to the report.

38. A P-3 post is requested for the Press and Public Affairs Unit (ibid., annex II, para. 48). Upon enquiry, the Advisory Committee was informed that of the eight posts (1 P-5, 3 P-2, 1 General Service and 3 Local level posts) allocated the Press and Public Affairs Unit, two posts were vacant. **The Committee does not recommend approval of this request.**

39. The Advisory Committee notes that a new temporary P-3 post is requested for the Appeals Support Unit at The Hague (ibid., para. 54). Upon enquiry, the Committee was informed that as at 10 November 2000, out of the five posts assigned this Unit, one was vacant. **The Committee recommends approval of the new post for the Appeals Support Unit.**

40. With regard to the Chambers Support Section, the Advisory Committee notes that six new temporary posts are requested for this section (1 P-5, 1 P-4 and 4 P-3) (ibid., paras. 61-64). Upon enquiry, the Committee was informed that as at 10 November 2000, out of 27 posts (2 P-5, 1 P-4, 3 P-3, 9 P-2, 11 General Service and 1 Local level), 2 were vacant. **The Committee recommends approval of three posts (1 P-4 and 2 P-3) for the Chambers Support Section.**

41. Eleven posts are proposed for the Court Management Section, comprising three P-3 and three General Service posts for the Judicial Proceedings Unit, one P-4 and one General Service post for the Appeals Support Unit at Arusha and three Local level posts for the Judicial Records and Archives Unit (ibid., paras. 72, 74, 76 and 77). **The Committee recommends approval of the 11 new temporary posts requested for this section.**

42. For the Witnesses and Victims Support Section, the Advisory Committee notes that four new posts (1 P-4 and 3 Local level) are requested (ibid., paras. 83, 85, 87 and 90). **The Committee recommends approval of the 4 new posts requested for the Witnesses and Victims Support Section.**

43. The Advisory Committee notes that two Local level posts for Library Clerks at Arusha and Kigali are requested for the Legal Library and Reference Unit. These would be in addition to the current establishment of six posts (1 P-3, 2 P-2, 1 General Service and 2 Local level) (ibid., para. 97). Upon enquiry, the Committee was informed that all the six current posts were encumbered. **The Committee recommends approval of the two Local level posts for the Legal Library and Reference Unit.**

44. One General Service post is requested for the Office of the Chief of Administration to provide administrative and budgetary support. The Committee notes that the staffing of the Office of Chief of Administration comprises one D-1, one P-4, three General Service and one Local level post (ibid., paras. 99 and 101). **In view of the level of support which already exists, the Committee does not recommend approval of the additional General Service post requested.**

45. For the Recruitment Unit of the Personnel Section, the Advisory Committee notes that the current staffing level consists of three posts (1 P-3 and 2 General Service). A new General Service post for a personnel assistant is requested for the Unit (ibid., paras. 108 and 109). The Committee recalls that in its report on proposed requirements for the Tribunal for 2000 (A/54/646, para. 47), it did not approve a request for a new General Service post for a personnel assistant. **In view of the recruitment problems being experienced by the Tribunal, the Committee recommends approval of the request for the General Service post for a personnel assistant.**

46. One Local level post is requested for the Training, Staff Welfare and Counselling Unit to provide secretarial/clerical support to the P-3 training officer in the Unit (see A/55/512, annex II, para. 111). **The Advisory Committee recommends approval of this request.**

47. Two General Service and one Local level post are requested for the Finance Section. Fifteen posts (1 P-5, 1 P-4, 1 P-3, 1 P-2, 8 General Service and 3 Local

level) are currently provided (ibid., paras. 114, 118, 122 and 125). The Advisory Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 48), it did not recommend approval of two General Service posts for the Finance Section for the reason that this was an area where automation could increase productivity and thereby alleviate the need for additional posts. **Similarly, the Committee does not recommend approval of the two General Service and one Local level post requested for the Finance Section.**

48. The current staffing level of Audio-Visual Services consists of eight posts (6 Field Service and 2 Local level). Seven new Local level posts are requested for these services (A/55/512, annex II, paras. 132-134). Upon enquiry, the Advisory Committee was informed that as at 10 November 2000, three of the eight posts were vacant. **The Committee recommends approval of three Local level posts out of the seven requested for Audio-Visual services.**

49. In addition to the 15 (1 P-3, 2 P-2, 6 General Service and 6 Local level) posts authorized for the Electronic Data Processing/Management Information Systems Unit, one new General Service post is requested (ibid., para. 137). The Advisory Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 51), it did not recommend approval of three (2 General Service and 1 Local level) out of seven posts (5 General Service and 2 Local level) requested for this unit. Upon enquiry, the Committee was informed that 3 posts out of the 15 authorized were vacant. **The Committee does not recommend approval of the additional General Service post requested.**

50. In connection with the Central Registry, three new posts (1 General Service and 2 Local level) are requested. The Advisory Committee notes that the current establishment for the Central Registry consists of seven (1 General Service, 1 Field Service and 5 Local level) posts (A/55/512, annex II, paras. 140 and 142-144). Upon enquiry, the Committee was informed that all seven posts allocated to the Central Registry were encumbered. **The Committee recommends approval of this request.**

51. The Advisory Committee notes that one P-3 post for a social welfare officer is requested for the United Nations Detention Facility. This post would be in addition to the current staffing level of 27 posts (1 P-3, 8 Security Service and 18 Local level) for these facilities (ibid., para. 154). The Committee recalls that in its report on proposed requirements for 2000 (A/54/646, para. 54), it did not approve two posts (1 P-2 and 1 Local level) requested for a social affairs officer and a nurse for monitoring the health and welfare of detainees. The Committee recommended instead that the functions be carried out either by existing staff or through redeployment. **However, for the reasons given, the Committee now recommends the approval of the P-3 post for a social welfare officer.**

52. Eleven posts (1 P-4, 3 P-3, 6 General Service and 1 Local level) are requested for the Language and Conference Services Section. Three P-3 level posts are requested for interpretation/translation at Arusha, four General Service posts for the Proof-reading and Text Processing Unit, one General Service and one Local level post for the Documents Control, Terminology and Reference Unit and one P-4 and one General Service post for language support to the Appeals Chamber at The Hague (A/55/512, annex II, paras. 158-172). **The Advisory Committee recommends approval of these requests.**

53. With regard to administrative services at Kigali, the Advisory Committee notes that 10 posts (1 General Service and 9 Local level) are requested: one General Service post for the Office of the Deputy Chief of Administration, one Local level post for Personnel, one Local level post for Finance, two Local level posts for the Registry, two Local level posts for Transport Services and three Local level posts for Language and Conference Services. The Committee further notes that the basis for this request is partially to address recommendation 45 of the Expert Group and the additional delegation of authority granted by the Registry to the Kigali administrative office (ibid., paras. 173 and 176-195). Upon enquiry, the Committee was informed that of the 135 authorized posts for Kigali, 29 were unencumbered as at 10 November 2000. **The Committee therefore recommends approval of five posts (1 General Service and 4 Local level), with priority being given to Languages and Conference Services.**

54. An amount of $310,400 is requested for travel and allowances for 150 witnesses for the prosecution and 190 witnesses for the defence (see A/55/512, para. 57 (b)). Upon enquiry, the Advisory Committee was informed that out of $330,200 estimated for travel of

witnesses for 2000, expenditure as at 30 September 2000 amounted to $69,761, and an additional $100,000 was projected to be spent in 2000. The Committee was also informed that for the period from 1 January to 10 November 2000, 50 witnesses (34 for the prosecution and 16 for the defence) were called and spent a total of 747 days in Arusha (638 by the prosecution witnesses and 109 by the defence witnesses). The Committee was further informed that out of 50 witnesses called, a total of 10 did not testify, 7 because the cross-examination of some witnesses in joint trials took more time than anticipated and, in the case of 3 witnesses (2 for the prosecution and 1 for the defence), both the prosecution and defence decided not to use them. The Committee was informed that the low level of expenditure for the period from 1 January to 30 September 2000 was due to the limited number of trials during that period and that in view of the joint trials currently being heard, an increase in expenditure was anticipated from October onwards. **Given past experience, the Committee recommends approval of $295,000 out of the amount of $310,400 requested for the panel of witnesses.**

55. An amount of $7,931,800 is requested for contractual services, and a detailed explanation of the use of these resources is contained in the budget report (ibid., para. 58). This amount represents an increase of $531,800 over the amount of $7,400,000 provided in 2000. The Advisory Committee notes that the estimate of $7,931,800 for 2001 is 55.4 per cent higher than the expenditure of $5,105,000 in 1999 (ibid., table 7). The bulk of the request is for defence counsel.

56. For defence counsel, an amount of $6,365,600 is requested (ibid., para. 58 (a)). Upon enquiry, the Advisory Committee was informed that an amount of $5,969,072.77 had been spent for defence counsel so far. The Committee was provided with information on measures taken to improve monitoring and oversight over defence counsel, which is contained in annex III below.

57. The Advisory Committee recalls the comments of the Expert Group concerning dilatory motions and pleadings that have the effect of lengthening trial proceedings. **The Committee welcomes the actions taken so far by the judges and the Registry to address these matters, including the amendment of the Tribunal's rules of procedure and evidence to deny fees for frivolous motions.**

58. The Advisory Committee also recalls the comments of the Expert Group on indications of fee-splitting arrangements between detainees and their defence counsel (see A/54/634, paras. 79 and 217). **Although these indications have not been verified by the Expert Group, they should be investigated promptly and thoroughly. Laxity in this matter could lead to the impression that the legal aid system of the United Nations can be manipulated to be an open-ended opportunity for unwarranted gain. The Committee recommends that the Board of Auditors and the Office of Internal Oversight Services, within their respective mandates, redouble their efforts to follow up on these allegations. The Committee also recommends that the Tribunal review and as necessary adjust the present staff capacity to manage all aspects of the legal aid system.**

59. A provision in the amount of $50,000 is requested for the external translation of documents by defence counsel. The estimate is based on the United Nations standard rate of $145 per 1,000 words or 14.5 cents per word (A/55/512, para. 58 (b)). The Advisory Committee notes that defence counsel are now permitted to have their material translated externally at a reasonable cost paid by the Tribunal. The rates paid would be in accordance with the United Nations guidelines on the remuneration of external translators/self-revisers. Upon enquiry, the Committee was informed that the Tribunal would still retain the option to translate material using internal capacity. **The Committee recommends approval of $7.6 million out of the $7.9 million requested for contractual services.**

60. For general operating expenses under the Registry, an amount of $5,887,200 is requested (ibid., para. 60). The Advisory Committee notes that the estimate is twice the expenditure of $3,296,400 reported for 1999. The Committee also notes from annex I below that expenditure for 2000 as at 30 September 2000 amounts to $4,252,455. Upon enquiry, the Committee was informed that this was due to increases in the cost for rental of office space at the International Conference Centre from $4.50 to $9.0 per square metre, effective 1 November 1999, and in utility costs as a result of a large number of new offices and additional office equipment. The Committee requested further explanation of the steep rent increase but did not receive it. The increase in expenditure was also due

to the upgrading of communication requirements, an increase in requirements for the protection and support of witnesses owing to an anticipated increase in witnesses called to testify, as well as the fact that while the cost of leasing aircraft was charged against the Trust Fund in 1999, it is included in the 2001 budget.

61. The Advisory Committee notes from annex I below that over-expenditure of $607,652 for the rental and maintenance of premises and $144,487 for operating expenses is projected in 2000. **In view of this, and taking into account its observations in paragraph 58 above, the Committee recommends that the amount of $5.7 million out of $5.9 million be provided for general operating expenses.**

62. An amount of $250,000 is requested to cover costs relating to the enforcement of sentences. The Advisory Committee notes that the Tribunal has signed agreements with the Governments of Mali and Benin to provide prison facilities in the respective countries where the convicts can serve their sentences and that two additional African countries are expected to conclude agreements in the near future. The Committee also notes that the agreement with Mali includes the provision of expected maintenance costs estimated at $20 per day per convict for five convicts ($36,500) (ibid., para. 60 (g)).

63. **From the information contained in the budget document and the testimony of the representatives of the Secretary-General, the Advisory Committee concludes that the enforcement of sentences is an important emerging subject that is being handled in an ad hoc manner and without a carefully thought out long-term plan of action. It is the view of the Committee that the Tribunal should think ahead. For example, on the basis of the best information available, the Tribunal should consider whether it would be possible to review various scenarios concerning the likely number of convicts for whom agreement on the enforcement of sentence might be sought with countries willing to enter into such agreements. It is also essential to have, well in advance, a proper perspective of the likely long-term financial obligation of the United Nations after the expiry of the mandate of the Tribunal.**

64. With regard to the safety of evidentiary material, upon enquiry, the Advisory Committee was informed that Building Management Services, in consultation with the Information and Evidence Section, had agreed on a suitable location for a vault, covering an estimated area of 119 square metres. The acquisition of equipment for preserving evidentiary materials had been included in the programme of activities of the Trust Fund for the Tribunal for 2000; the related construction costs are estimated at $10,625. As to the evidence in Kigali, the Committee was informed that a limited number of evidentiary documents were stored using archival folders and cases, evidence bags, sealing materials and packing tape, that the transfer of the Kigali evidence collection to Arusha using United Nations aircraft had been nearly (85 per cent) completed and that the conversion of video and audio analog tapes to digital format was ready for implementation pending arrival of required supplies and equipment, which are under procurement. **The Committee expresses concern that the facility built specially for the storage of physical evidence in Arusha has not yet been completed, and it urges the Registrar to ensure the completion of this work as soon as possible so that physical evidence currently held elsewhere in unsatisfactory conditions might be removed to that secure facility.**

65. A total of $5,282,100 is requested for supplies and materials ($1,575,800), furniture and equipment ($2,680,900) and construction, alteration, improvements and major maintenance ($1,025,400), representing an increase of $264,200 as compared with the appropriation of $5,017,900 for 2000. The Advisory Committee notes that expenditure for these three items for 1999 amounted to $5,591,300 (ibid., paras. 61-63 and table 2). Upon enquiry, the Committee was informed that expenditure for supplies and materials, furniture and equipment, and alterations and improvement of premises for 2000 as at 30 September amounted to $3,508,033, and that projected expenditure for October to December amounted to $1,328,287. **The Committee recommends approval of $5.2 million for supplies and materials on the understanding that it is not recommending approval of all the posts requested and that this is an area susceptible to managerial control and monitoring of expenditure.**

Conclusions and recommendations

66. **On the basis of the recommendations and observations indicated in the foregoing paragraphs, the Advisory Committee recommends that the**

General Assembly approve the appropriation of $93,520,500 gross ($85,178,700 net) for the operations of the International Criminal Tribunal for Rwanda in 2001. This would represent a reduction of $1,536,100 gross ($1,437,900 net) from the estimate of $95,056,600 gross ($86,616,600 net), indicated in paragraph 12 of the proposed budget (A/55/512).

Notes

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 5K* (A/55/5/Add.11), chap. II, paras. 46 and 47.

Annex I

International Criminal Tribunal for Rwanda
Projected status of allotments for the period from 1 January to 31 December 2000

(In United States dollars)

Description	Allotment (a)	United Nations Headquarters disbursement (b)	Field disbursement (as at 30 September) (c)	Unliquidated obligations (d)	Expenditure (e)=(b+c+d)	Estimated expenditure October-December (f)	Total expenditure (g)=(e+f)	Savings / (overrun) (h)=(a-g)	Expenditure/ allotment (i)=(g/a) (percentage)
Chambers									
(Org. unit 1188) TUA-09-101									
Temporary posts							-	-	
Common staff costs								-	
Common staff costs of judges	200 500.00	-	386 365.97	3 363.00	389 728.97	125 000.00	514 728.97	(314 228.97)	256.7
Honoraria	1 477 800.00	-	979 799.74	-	979 799.74	370 000.00	1 349 799.74	128 000.26	91.3
Travel on official business (non-staff)	90 000.00	-	69 227.27	11 009.00	80 236.27	9 763.73	90 000.00	-	100.0
Subtotal	**1 768 300.00**	-	**1 435 392.98**	**14 372.00**	**1 449 764.98**	**504 763.73**	**1 954 528.71**	**(186 228.71)**	110.5
Office of the Prosecutor[a]									
(Org. unit 1206) TUA-09-102									
Temporary posts (net of staff assessment)	9 794 700.00	6 339 125.06	7 060.34	-	6 346 185.40	720 664.00	7 066 849.40	2 727 850.60	72.1
Common staff costs	8 325 400.00	3 647 832.08	1 636 071.16	565 877.00	5 849 780.24	1 808 318.00	7 658 098.24	667 301.76	92.0
Consultants	193 800.00	-	41 871.88	21 616.00	63 487.88	50 000.00	113 487.88	80 312.12	58.6
Other official travel of staff	868 700.00	-	716 866.44	359 768.12	1 076 634.56	55 000.00	1 131 634.56	(242 934.56)	127.3
General operating expenses - Intelligence and Tracking Team	388 000.00	-	2 155.32	150 000.00	152 155.32	122 500.00	274 655.32	113 344.68	70.8
Subtotal	**19 590 600.00**	**9 986 957.14**	**2 404 025.14**	**1 097 261.12**	**13 488 243.40**	**2 756 482.00**	**16 244 725.40**	**3 345 874.60**	82.9
The Registry[a]									
(Org. unit 1192) TUA-09-103									
Temporary posts (net of staff assessment)	19 753 500.00	11 852 029.21	1 246 052.91	-	13 098 082.12	3 139 966.00	16 238 048.12	3 515 451.88	82.2
Common staff costs	16 681 300.00	7 053 835.81	3 446 673.30	1 368 739.28	11 869 248.39	5 265 704.57	17 134 952.96	(453 652.96)	102.7
General temporary assistance (net of staff assessment)	1 500 000.00	641 185.80	521 161.01	22 894.94	1 185 241.75	200 000.00	1 385 241.75	114 758.25	92.3
Consultants and experts	203 200.00	-	21 868.10	90 964.20	112 832.30	86 500.00	199 332.30	3 867.70	98.1
Overtime (net)	300 000.00	426 116.26	648 800.33	322 195.82	1 397 112.41	-	1 397 112.41	(1 097 112.41)	465.7
Travel of Registrar and other staff	252 300.00	-	367 167.11	34 152.00	401 319.11	100 000.00	501 319.11	(249 019.11)	198.7
Travel of prosecution and defence witnesses	330 200.00	-	1 054 452.90	19 784.71	1 074 237.61	100 000.00	1 174 237.61	(844 037.61)	355.6
Training of staff	337 900.00	-	313 771.28	44 388.00	358 159.28	11 500.00	369 659.28	(31 759.28)	109.4
External audit	47 500.00	-	47 510.00	-	47 510.00	-	47 510.00	(10.00)	100.0
Other contractual services	6 958 100.00	-	5 003 225.73	10 361.33	5 013 587.06	1 750 000.00	6 763 587.06	194 512.94	97.2
Hospitality	4 000.00	-	2 318.97	-	2 318.97	2 000.00	4 318.97	(318.97)	108.0
Subtotal	**46 368 000.00**	**19 973 167.08**	**12 673 001.64**	**1 913 480.28**	**34 559 649.00**	**10 655 670.57**	**45 215 319.57**	**1 152 680.43**	97.5

Description	Allotment (a)	United Nations Headquarters disbursement (b)	Field disbursement (as at 30 September) (c)	Unliquidated obligations (d)	Expenditure (e)=(b+c+d)	Estimated expenditure October-December (f)	Total expenditure (g)=(e+f)	Savings / (overrun) (h)=(a-g)	Expenditure/ allotment (i)=(g/a) (percentage)
Other official travel of staff									
(Org. unit 3038) TUA-09-105	18 400.00	5 566.74	-	9 265.15	14 831.89	3 568.11	18 400.00	-	100.0
Subtotal	**18 400.00**	**5 566.74**	-	**9 265.15**	**14 831.89**	**3 568.11**	**18 400.00**	-	100.0
Programme support									
(Org. unit 1192) TUA-09-800									
Rental and maintenance of premises	1 443 200.00	-	1 158 891.82	451 960.20	1 610 852.02	440 000.00	2 050 852.02	(607 652.02)	142.1
Utilities	473 000.00	-	235 028.58	114 404.90	349 433.48	145 000.00	494 433.48	(21 433.48)	104.5
Operating expenses	1 753 700.00	1 684.16	1 247 649.61	498 852.89	1 748 186.66	150 000.00	1 898 186.66	(144 486.66)	108.2
Communications	1 540 600.00	-	525 861.82	18 121.56	543 983.38	850 000.00	1 393 983.38	146 616.62	90.5
Supplies and materials	1 495 900.00	-	694 000.60	277 394.07	971 394.67	400 000.00	1 371 394.67	124 505.33	91.7
Office furniture and equipment	1 065 200.00	-	181 562.68	878 175.53	1 059 738.21	100 000.00	1 159 738.21	(94 538.21)	108.9
Data processing/automated equipment	368 800.00	-	202 524.57	100 649.26	303 173.83	34 500.00	337 673.83	31 126.17	91.6
Communication equipment	925 000.00	-	36 572.18	508 176.25	544 748.43	400 000.00	944 748.43	(19 748.43)	102.1
Other equipment	207 000.00	-	5 792.95	11 072.13	16 865.08	50 000.00	66 865.08	140 134.92	32.3
Alterations and improvements to premises	956 000.00	-	460 463.81	151 648.76	612 112.57	343 887.43	956 000.00	-	100.0
Contributions/Joint administrative activities	140 000.00	-	34 034.75	-	34 034.75	105 000.00	139 034.75	965.25	99.3
External printing	56 500.00	-	17 390.73	30 523.76	47 914.49	24 500.00	72 414.49	(15 914.49)	128.2
Subtotal	**10 424 900.00**	**1 684.16**	**4 799 774.10**	**3 040 979.31**	**7 842 437.57**	**3 042 887.43**	**10 885 325.00**	**(460 425.00)**	104.4
Grand total (net)	**78 170 200.00**	**29 967 375.12**	**21 312 193.86**	**6 075 357.86**	**57 354 926.84**	**16 963 371.84**	**74 318 298.68**	**3 851 901.32**	95.1
Staff assessment	**7 984 700.00**				**4 740 649.00**	**2 858 851.00**	**7 599 500.00**	**385 200.00**	95.2
Grand total (gross)	**86 154 900.00**	**29 967 375.12**	**21 312 193.86**	**6 075 357.86**	**62 095 575.84**	**19 822 222.84**	**81 917 798.68**	**4 237 101.32**	95.1

[a] *Posts authorized by the staffing table*

Annex II

Additional information provided by the International Criminal Tribunal for Rwanda to the Advisory Committee on Administrative and Budgetary Questions

INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR

To: Marcellin Savard
A: Chief of Administration

Date: 10 November 2000

Ref: Budget/10-11

From: President N. Pillay
De:

Subject: **Additional Information required by ACABQ**
Objet:

URGENT

Your correpondence of 9 November 2000 refers.

With regard to your enquiry about the "non-use" of court rooms, there has been a reduction in the number of days the court rooms were used by the Trial Chambers. This is because the Trial Chambers were seized with one Trial and a large volume of pre-trial motions (refer to Annual Report in this regard). The Judges have amended the Rules of Procedure and Evidence to now cater for motions to be decided solely on the briefs filed by Parties, instead of having an *inter partes* hearing in an open court. Motions decided on the briefs filed, may be dispensed with more expeditiously, because the availability of counsel to travel to Arusha is not an issue in this instance. It also reduces fees and expenses paid to Counsels by the Tribunal, in respect of their travel to Arusha and their appearances in court when presenting their oral submissions. This must be accessed in light of the fact that all the accused persons presently before the Tribunal have been assigned Counsels to represent them.

With regard to your enquiry on the number of trial completed, please note that the first trial commenced on 27 January 1997 and since then the court of the first instance has rendered seven judgments with the Appeals court rendering two.

With regard to your enquiry on the projected number of trials for the year 2001, please note that:

- The trial of three accused, referred to as the "media" trial commenced on 25 October 2000 and is expected to continue through to the year 2001,

- The trial of three accused, referred to as the "Cyangugu" case commenced on 18 September 2000 and is expected to continue into the year 2001;
- The trial of two accused (Ntakirutimana) is scheduled to commence on 23 April 2001;
- The trial of six accused, referred to as the "Butare" case is scheduled to commence in April 2001;
- With regard to the cases referred to as the 'Government" cases, a trial involving one accused is scheduled to commence on 22 January 2001, a trial involving one accused is scheduled to commence in February 2001, a trial involving four accused is scheduled to commence in March 2001 and a trial involving four accused is scheduled to commence in May 2001;
- A trial involving four accused, referred to as the "military" case, is scheduled to commence in June 2001.

Annex III

Practice of the Tribunal with respect to legal aid and guidelines for the settlement of defence accounts

ICTR Legal Aid Practice updated November 2000

	Pre-trial stage	Trial stage	Appeal stage
Lead counsel	175 maximum hours* per month.	175 maximum hours* per month.	175 maximum hours* per month.
Co-counsel	No co-counsel 60 days or so before the start of the trial. Once co-counsel is assigned the remuneration will be 175 maximum hours* per month.	175 maximum hours* per month.	30 days only before the appeal hearing, 175 maximum hours* per month.
Investigator	100 maximum hours per month	100 maximum hours per month.	During this phase only one investigator shall be assigned if the request is duly justified. 100 maximum hours per month.
Assistant	100 maximum hours* per month	100 maximum hours* per month.	100 maximum hours* per month.

* Hearings hours already included in the figures. The hourly rate is as follow:

Lead counsel:
0-4 years, $ 80/hour;
5-9 years, $ 90/hour;
10-14 years, $ 100/hour;
More than 15 years, $ 110/hour.

Co-counsel: $ 80/hour whatever is her/his experience.

Assistant and investigator: $ 25/hour.

Concerning determination of indigence, the investigation is an ongoing process and assignment can be withdrawn if detainee is not anymore indigent. Detainee is called to fill in an internal document in which he has to provide information about her/his assets. We wrote to all Government where suspect/accused have been arrested and the Prosecutor send to the Registry relevant information in this matter.

GUIDELINES FOR SETTLEMENT OF DEFENCE ACCOUNTS

The following guidelines are issued in the framework of the permanent process of maintaining a sustainable «legal assistance programme» through improved assistance to Defence teams and an increasingly rational management of the limited resources available. They are aimed at providing the partners involved in this process, members of defence teams in particular, with information on the procedure, practice and policies of the Registrar in settling defence accounts and thereby ensuring uniformity and transparency in those matters. The guidelines are an interpretation of the Directive as agreed on by the Advisory Panel set up in conformity with article 29 of the Directive on assignment of Defence Counsel.

1. Remuneration of Counsel for services rendered

1.1. The statement of fees. The statement of fees submitted by the Counsel must be in conformity with article 24 of the Directive and clearly indicate the names of suspect or accused, the registration number in the Record Book, the stage of the procedure, the date, the time spent and the nature of the activity performed, including enough information to show the necessity and reasonableness for the preparation of the case as stipulated by article 17 of the Directive. The proper form must be submitted together with the statement of fees.

1.2. Fixed rate as per article 22 (A) (I) of the Directive. The fixed rate paid at each stage of the proceedings to cover the time spent by Counsel to familiarize themselves with the pertinent documents of the case and the applicable law. The stages are as follows: Pre-Trial, Trial, Pre-Sentencing Hearing[1], Appeal and Review. This fixed rate, thus covers readings of: the indictment, the ICTR rules and regulations (Statute, Rules of Procedure and Evidence, Directive on assignment of defence counsel, Detention Rules, etc) and the various aspects of the law applicable to an international tribunal. Further reading of such texts will, therefore, not be remunerated separately. The fixed rate, pursuant to article 23 of the Directive, has been raised from $US400 (four hundred) to $US2,000 (two thousand).

[1] Where applicable.

1.3. Hourly rate, article 22 (A) (ii) of the Directive. The fixed hourly rate covers time spent in the *direct preparation of the case* and any court appearances. Additional study and research that is not linked to the direct preparation of the case is included in this rate, as are «office overhead expenses». Thus, preparation for meetings, note taking and compilation of own notes will not be reimbursed as a separate activity. Direct preparation is understood, among other activities, to mean preparation of a motion or examination of a witness.

1.4. Background reading on Rwanda and the Great Lakes region (history, politics, etc.). Recognizing the particularity of the cases before the ICTR, some hours can be remunerated when spent on specific reading of the history and politics of Rwanda in the relevant period. A maximum of 50 hours can be remunerated, and payment is subject to respect for the provisions of article 24 of the Directive.

1.5.1. Co-counsel. Lead Counsel can be assisted by a Co-counsel when the trial is about to begin or in exceptional cases where the bulk of work so justifies. The Co-counsel is appointed by the Registrar upon a request made by the assigned counsel as per article 15 of the Directive, using the approved application form. The preference for a Co-counsel should reflect the need to form a team with experience in the tradition of both common law and civil law and knowledge of the two working languages of the Tribunal.

1.5.2. Claims for payment of fees or reimbursement of expenses for Co-counsel must be certified by Lead Counsel prior to submission to the Registry. Direct submission by co-counsel is only acceptable on the basis of written authorization from lead counsel.

1.6 Duplication of work. The Lead Counsel is responsible for the case. He must ensure that the team functions as such and that the members of the team supplement each other and do not duplicate the work. If the Lead Counsel and/or the Co-counsel has already covered an activity, other members of the team can in exceptional circumstances only be reimbursed for similar activities. If other members of the team perform a task, Lead Counsel or Co-counsel can only be reimbursed for supervising, assisting and coordinating this activity.

1.7 Meetings. Meetings between all the members of the team can be reimbursed when spent on streamlining and coordinating the work efforts of the team. Working sessions between team members can also be reimbursed when the time spent has been shown by Counsel to be reasonable and necessary. Meetings with third parties should be limited, as far as possible, to one team member. Meetings attended by more than one member of the team with a third party can be reimbursed when necessity has been shown by Counsel.

1.8. **Witnesses.** In order to ensure consistency between the number of witnesses interviewed and the number of witnesses presented at trial, an identification code should be allocated to any potential witness for whom reimbursement is claimed. This code letter/number must accompany the witness all the way throughout the proceedings. If possible, Counsel should indicate in the statement of claim whether the witness has agreed to appear in court. This will facilitate the Tribunal's efforts to plan ahead of time its logistic support to Counsel before appearance in court.

1.9. **Daily Subsistence Allowance (DSA).** DSA is meant to cover unspecified costs related to remaining outside the place of residence in connection with the case. As with any other cost reimbursed by the Tribunal, it has to be documented with original invoices and needs to be authorized prior to the travel as well as fulfilling the requirement of being necessary and reasonable for the preparation of the case. The proper form must be filled out and be submitted together with the claim. Claims for DSA will be processed together with the pertinent claims for reimbursement of travel expenses.

2. Reimbursement of travel expenses.

2.1. Written authorization from the Registrar should be obtained prior to any official travel. Requests should be made using the proper form, and be submitted in due time to allow for adequate processing.

2.2. Although authorized in principle, journeys to Arusha for hearing purposes should still necessitate prior authorization, especially with regard to the duration of the stay component of the trip.

2.3. **Duration of travel to Arusha for hearing or other purposes.** Counsel should arrive in Arusha not more than two days prior to the hearing date and leave by the next available flight. Exceptions to this principle should be explained and requested in writing.

2.4. In accordance with article 27 of the Directive, travel expenses are reimbursed on the basis of one economy class round-trip air ticket by the shortest available route. Travel is also reimbursable on the basis of either first class public transportation tickets or fixed rates as established by the United Nations for travel by private motor vehicle. For all travel claims the *original* ticket, the *original* invoice, the travel authorization and any receipts related to payments with credit cards must be produced by the counsel. All travel claims must be submitted using the appropriate form established by the Registrar. Taxi fares are not reimbursed.

3. Assistant and investigator

3.1. Counsel must seek, using the proper form, written authorization from the Registrar prior to the recruitment of an assistant or an investigator. Such a request

should be justified and include, *inter alia*, the specific assignment for which the person is recruited as well as the estimated time of duration of the work.

3.2. Assistant and investigator are remunerated at an hourly flat rate of $US25, with a monthly maximum payment of 100 (one hundred) hours.

3.3. Travel requests for assistant and investigator should be submitted by Counsel following the same procedure as described in clause 2 above, in the case of Counsel.

3.4. Claims for payment of fees and reimbursement of expenses for assistant and investigator should be certified by Lead Counsel prior to submission to the Lawyers and Detention Facilities Management Section (LDFMS).

4. Expense not reimbursed by the Tribunal

4.1. **Medical expenses.** More medical and other personal expenses are not reimbursed by the Tribunal. It is the responsibility of each member of a defence team to arrange and pay for his medical coverage.

4.2. Expenses incurred for the purchase of items to be owned by counsel such as books and newspapers, etc., will not be reimbursed.

5. Processing of fees and expenses

5.1 The statement of fees and/or expenses submitted by counsel is reviewed by the LDFMS using the attached list of standard acronyms, informing the Counsel, where applicable, the grounds on which additional justification is required, payment is disallowed, hours claimed reduced, etc. A copy of the reviewed statement is sent to counsel shortly after the issuance of the cheque, order of bank transfer given, other form of payment effected.

The above guidelines will be updated as required on the basis of experience.

The Registrar

Arusha the 13th September 2000

Subjet: Review of the measures relative to the enforcement of the Directive on the assignment of defence counsel.

Following a current evaluation of the legal assistance programme, in order to further realise efficiency, transparency and uniformity while taking into consideration the need for a rational management of the available funds, I hereby consolidate the following measures relative to the enforcement of the Directive on the assignment of defence counsel.

1. Co-counsel

Assignment of Co-counsel, whenever appropriate, will be made upon request of assigned Lead counsel when the trial is about to begin or 60 days prior to the commencement of the trial. This assignment will run only for the trial on the merits.

During the appeal phase, whenever appropriate, Lead counsel may, pursuant to Article 15(C), request the assignment of a Co-counsel. Co-counsel shall be assigned 30 days or so prior to the hearing of the appeal in open court.

2. Reimbursement of travel expenses:

Written authorization from the Registrar should be obtained prior to any official travel in order for the costs and expenses necessarily and reasonably incurred to be met by the Tribunal.
Travel to Arusha for hearing, although authorized in principle, shall not exceed 5 days. Exceptions to this principle, duly explained and requested in writing, shall be submitted to the Registrar for approval.

During the pre-trial phase, either the Lead counsel or the Co-counsel shall be allowed to travel for hearing purposes.

During the pre-trial phase, apart from hearing purposes, Counsel shall be allowed, in principle, to travel to Arusha 3 times.
During the pre-trial phase, 2 coordination meetings with all members of the team in Arusha may be convened by Lead counsel if the request is duly justified.

3. **Investigator:**

During the appeal phase, only 1 investigator shall be assigned if the request submitted by Lead counsel is duly justified and includes, *inter alia*, the specific assignment for which the person is recruited as well as the estimated time of duration of the work.

The above measures are immediately applicable and consolidate the current measures which have been in force since 1st September 1998.

Agwu Ukiwe Okali
Registrar